

**United States District Court
Northern District of Illinois**

Robert D. Huston,
Plaintiff

v.

Annie Slanina,
in her individual and official capacities

and

Evanston Police Department,
an agency of the City of Evanston

and

Evanston Hospital,
the Body Politic

and

Corey Michael Nohl,
in his individual and official capacities

and

William R. Krug,
in his individual and official capacities

Defendants.

1:12-cv-04582

Judge Virginia M. Kendall

Magistrate Judge Geraldine Soat Brown

RECEIVED

JUN 13 2012

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT

1. NOW COMES the Plaintiff, ROBERT D. HUSTON [hereinafter, HUSTON], complaining of the Defendants, ANNIE SLANINA [hereinafter, SLANINA], the EVANSTON POLICE DEPARTMENT, EVANSTON HOSPITAL, COREY MICHAEL NOHL [hereinafter, NOHL], and WILLIAM R. KRUG [hereinafter, KRUG] for the deprivation of rights secured to Plaintiff HUSTON by the United States Constitution and the laws of the United States of

THE STATE OF Illinois)
COUNTY OF Cook) SS.

PATIENT: Robert Huston

AFFIDAVIT

Before me, the undersigned authority, personally appeared Pamela Kring,
(Custodian)
who, being by me duly sworn, deposed as follows:

My name is Pamela C. Kring, I am of sound mind, capable of
(Custodian)

making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of North Shore University Health System,
(Facility)

Attached hereto are 142 pages of records pertaining to
Robert Huston. These 142 pages of records are kept by
(Patient)

North Shore University Health System in the regular course of business, and it was the
(Facility)
regular course of business of North Shore for an employee or
(Facility)

representative of North Shore with knowledge of the act, event,
(Facility)

condition, opinion, or diagnosis recorded to make the record or to transmit information
thereof to be included in such record; and the record was made at or near the time of the
act, event, condition, opinion or diagnosis. The records attached hereto are the original or
exact duplicates of the original.

Pamela C. Kring
Affiant
(Custodian of Records)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal this 7 day of June, 2012.



Farrah Underwood
Notary Public

My Commission expires:

All Notes (continued)

2-6 days

Progress Notes signed by Dunham, Karin A at 06/16/07 1007

Author: Dunham, Karin A	Service: (none)	Author Type: Registered Nurse
Filed: 06/16/07 1007	Note 06/16/07 1007	
	Time:	

Problem: RISK FOR VIOLENCE
IP PSYCH CARE PLAN

Goal: PATIENT DOES NOT BRING HARM TO OTHERS DURING HOSPITALIZATION

- Patient's physical and/or verbal threats decrease and cease.
- Patient explores socially acceptable ways to express anger and frustration.
- Patient develops ability to deal with tension without becoming combative.

"I promise I won't hurt you..." Pt. very superficial about recent events of last PM. Has been napping steadily after breakfast. He requested a Flovent which was ordered by Dr. Stephansy. Has been asleep and has not used it yet. No outbursts thus far this shift.

Progress Notes signed by Nohl, Cory Michael at 06/16/07 0951

Author: Nohl, Cory Michael	Service: (none)	Author Type: Resident
Filed: 06/16/07 0951	Note 06/15/07 1752	
	Time:	

PGY1 Progress Note

S: Slept through the night. Apologized for behavior yesterday evening. Reports increased anxiety associated with anniversary of allegations leading to dismissal from medical school in 1997. Discussed medication options at great length and adamantly refuses adjustment. Reports not tolerating Depakote in the past ("It made me more depressed...I'm not bipolar.") Also stated he is unwilling to adjust Cymbalta dosing ("This dose works for me. I don't want to mess with anything.") Is notably more appropriate and cooperative compared with admission and subsequent events yesterday evening.

O: BP 125/92 | Pulse 105 | Temp 97.8 F (36.6 C) | Resp 16 | Wt 258 lbs
9.6 oz (117.300 kg)

All Notes (continued)

MSE:

Cooperative
Good eye-contact
Speech mildly pressured, much less than on previous exam
No psychomotor agitation
Mood dysthymic
Affect flat
Thoughts mildly circumstantial
No SI / HI, no AH / VH
Insight and judgement poor

Assessment: 41 y/o male with history of shizzoaffective disorder, limited willingness to comply with psychotropic intervention, marked Axis II traits, with narcissitic behavior, recent increase in exacerbation possibly associated with anniversary of being expelled from medical school under unclear circumstances. Patient is markedly disorganized, with persecutory delusions and verbally aggressive behavior. Psychiatric hospitalization required for stabilization. Behavior and events since admission strongly suggest bipolar spectrum disorder raising concern for administration of SNRI in the absence of mood stabilizer. Patient is at this point unwilling to make any adjustments to medication. Behavior notably improved this morning compared with admission. Will need to follow with aim of attaining therapeutic alliance that will allow for more appropriate pharmacotherapy.

Axis I: Schizoaffective disorder, paranoid
R/o bipolar disorder
Axis II: Axis II traits, r/o narcissitic personality disorder
Axis III: GERD
Asthma
COPD
Axis IV: Chronic mental illness
Axis V: GAF 20

Plan:

- Continue previous medications, as outlined above; aim to establish agreement on more appropriate regimen; patient is very unlikely to agree to further psychotropic intervention
- Assault precautions
- Restrict outgoing phone-calls (called police and made threats shortly after admission)
- Zyprexa prn agitation

Plan of care discussed with attending psychiatrist, Dr. Anderson, who concurs.

Cory Nohl PGY1
x3585

All Notes (continued)

Progress Notes signed by Anderson, Ivar at 06/16/07 0949

Author: Anderson, Ivar	Service: (none)	Author Type: Mental Health Worker
Filed: 06/16/07 0949	Note 06/16/07 0948	
	Time:	

Problem: EMOTIONAL STRESS

Goal: EFFECTIVE COPING

Intervention: COPING ENHANCEMENT

Coping Assessment

Discussed with patient/family short & long term goals, alternative responses, available support systems and community resources pertinent to current situation.

Up early, did eat breakfast, was superficially pleasant, reported some residual sedation from meds last night. Did not go into events of last night, and I did not ask. I adjusted his pants so they fit better (by fastening two belt loops together), pt seemed to appreciate contact but did go back to bed to rest.

Did not make any outgoing phone calls.

Progress Notes signed by Nohl, Cory Michael at 06/16/07 0939

Author: Nohl, Cory Michael	Service: (none)	Author Type: Resident
Filed: 06/16/07 0939	Note 06/15/07 2003	
	Time:	

Related Original Note by: Nohl, Cory Michael filed at 06/15/07 2016
Notes:

Resident On-Call Event Note

Called by nursing staff due to patient complaints of shortness of breath.

S: On exam patient seated on bed, irritable, in no acute distress.
"You're trying to kill me, you don't know what you're doing...Don't talk to me in that salacious voice like you wanna bugger me!" Patient subsequently ambulated down hall in response to telephone call. Raising voice, minimally redirectable. "I need emergency respiratory therapy. Do

All Notes (continued)

you know what that is?" Continued to escalate. Returned to room in no acute distress with the exception of marked agitation.

O: Lungs CTA bilaterally
O2Sat 98%
Patient agitated, verbally aggressive

A/P: 41 y.o with history of schizoaffective disorder vs bipolar disorder and Cluster B traits admitted following verbally assaultive and physically threatening behavior at residential home. No evidence of respiratory distress on exam. Code Brown called. PRN Zyprexa administered with good effect.

Cory Nohl PGY1
x3585

PGY1 Addendum
"Code Brown" in A/P above should read "Code GRAY."

Cory Nohl PGY1

06/15/07 2016 Progress Notes Signed by: Nohl, Cory Michael

Progress Notes signed by Reed, Tony at 06/15/07 2057

Author: Reed, Tony	Service: (none)	Author Type: Mental Health Worker
Filed: 06/15/07 2057	Note 06/15/07 2057	
	Time:	

Problem: RISK FOR VIOLENCE
IP PSYCH CARE PLAN

Goal: PATIENT DOES NOT BRING HARM TO OTHERS DURING HOSPITALIZATION

- Patient's physical and/or verbal threats decrease and cease.
- Patient explores socially acceptable ways to express anger and frustration.
- Patient develops ability to deal with tension without becoming combative.

Intervention: ASSIST INDIVIDUAL IN MAINTAINING CONTROL OVER BEHAVIOR

- Encourage constructive methods to deal with unpleasant feelings.
- Offer medications as ordered, assess response.
- Give patient positive reinforcement for appropriate behaviors.
- Set limits on verbal abuse.

Pt. on ap with 15 minute checks. Pt. also has had his out going phone calls restricted. He earlier had called the police dept. and then wanted to call the fire dept. Pt. was allowed to call his mother and he did with staff supervision. Pt. was yelling and a code grey was called. Pt. got a IM medication at 1930. Pt. has been resting in room afterwards.

Huston, Robert (MR # 202289005)

All Notes (continued)**Progress Notes signed by Nohl, Cory Michael at 06/15/07 2016**

Author: Nohl, Cory Michael	Service: (none)	Author Type: Resident
Filed: 06/15/07 2016	Note 06/15/07 2003	Note Status: Revised
	Time:	

Related Addendum by: Nohl, Cory Michael filed at 06/16/07 0939

Notes:

Resident On-Call Event Note

Called by nursing staff due to patient complaints of shortness of breath.

S: On exam patient seated on bed, irritable, in no acute distress. "You're trying to kill me, you don't know what you're doing...Don't talk to me in that salacious voice like you wanna bugger me!" Patient subsequently ambulated down hall in response to telephone call. Raising voice, minimally redirectable. "I need emergency respiratory therapy. Do you know what that is?" Continued to escalate. Returned to room in no acute distress with the exception of marked agitation.

O: Lungs CTA bilaterally
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 Patient agitated, verbally aggressive

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Cory Nohl PGY1
 x3585

Progress Notes signed by Krug, William R at 06/15/07 1937

Author: Krug, William R	Service: (none)	Author Type: Registered Nurse
Filed: 06/15/07 1937	Note 06/15/07 1937	
	Time:	

"You don't want me to breathe!!! You're gonna kill me!!! I WANT TO GET OFF THIS FLOOR YOU FUCKERS!!!! Pt highly agitated, yelling very loudly

Huston, Robert (MR # 202289005)

All Notes (continued)

in hallway. Code called, pt cooperative with IM Zyprexa with security staff present. Pulse Ox currently 98.

Progress Notes signed by Krug, William R at 06/15/07 1922

Author: Krug, William R	Service: (none)	Author Type: Registered Nurse
Filed: 06/15/07 1922	Note 06/15/07 1922	
	Time:	

Pt demanding emergency respiratory treatment, says he can't breathe, no observable S/S of respiratory distress, ROC seeing pt now.

Progress Notes signed by Krug, William R at 06/15/07 1854

Author: Krug, William R	Service: (none)	Author Type: Registered Nurse
Filed: 06/15/07 1854	Note 06/15/07 1854	
	Time:	

Pt asking for Albuteral inhaler, ROC notified.

Progress Notes signed by George, Laurie at 06/15/07 1842

Author: George, Laurie	Service: (none)	Author Type: Registered Nurse
Filed: 06/15/07 1842	Note 06/15/07 1842	
	Time:	

Received a telephone call from the Evanston Police Department that Pt was again making threatening telephone calls to Police Department as he had in am. I believe officer said Pt was harrasing the officers and threatening their lives. Department was requesting that we restrict Pt's outgoing calls so that harrasing ceases.

Progress Notes signed by Krug, William R at 06/15/07 1812

Author: Krug, William R	Service: (none)	Author Type: Registered Nurse
Filed: 06/15/07 1812	Note 06/15/07 1812	
	Time:	

Pt given restriction of rights on making outgoing phone calls. The Evanston Police Dept called to report that pt was calling them and threatening to kill the officers involved in his arrest today. Pt agitated, denying he was threatening to kill officers. RN, LG received the call from EPD.

H&P signed by Nohl, Cory Michael at 06/15/07 1631

Author: Nohl, Cory Michael	Service: (none)	Author Type: Resident
Filed: 06/15/07 1631	Note 06/15/07 1325	
	Time:	

Psychiatric Examination

All Meds and Administrations (continued)

Albuterol Neb NEBU 2.5 mg (VENTOLIN) [79414621]

Status: Discontinued (Past End Date/Time),
Reason: Error

Ordered On: 06/15/07 1851 by Nohl, Cory Michael
Dose (Remaining/Total): 2.5 mg (-/-)
Route: Inhalation
Admin Instructions: For inhalation by respiratory therapy.

Starts/Ends: 06/15/07 1851 - 06/15/07 1859
Frequency: Q4HPRN
Rate/Duration: - / -
Comments:

(No admins scheduled or recorded for this medication)

Combivent AERO 2 Puff (COMBIVENT) [79414787]

Status: Discontinued (Past End Date/Time),
Reason: Patient Discharged

Ordered On: 06/15/07 1859 by Nohl, Cory Michael
Dose (Remaining/Total): 2 Puff (-/-)
Route: Inhalation
Admin Instructions: Shake well. For inhalation.

Starts/Ends: 06/15/07 1857 - 06/18/07 2216
Frequency: Q4HPRN
Rate/Duration: - / -
Comments:

Administration	Status	Dose	Route	Site	Given By
06/18/07 1418	Given	2 Puff	Inhalation		Dunham, Karin A
06/18/07 1007	Given	2 Puff	Inhalation		Dunham, Karin A
06/18/07 0459	Given	2 Puff	Inhalation		O'Malley, Mari-Ann
06/17/07 1809	Given	2 Puff	Inhalation		Zzreis, Kristine H.
06/17/07 1043	Given	2 Puff	Inhalation		Dunham, Karin A
06/17/07 0541	Given	2 Puff	Inhalation		O'Malley, Mari-Ann
06/16/07 1724	Given	2 Puff	Inhalation		Martin, Kathleen Reid
06/16/07 0426	Given	2 Puff	Inhalation		O'Malley, Mari-Ann
06/15/07 2048	Held	2 Puff	Inhalation		Krug, William R
Comments: Pt sound asleep					
06/15/07 2044	Missed	2 Puff	Inhalation		Krug, William R
Reason: Drug not available from Pharmacy					
06/15/07 2028	Missed	2 Puff	Inhalation		Krug, William R
Reason: See Comment					
06/15/07 2024	Missed	2 Puff	Inhalation		Krug, William R
Reason: Drug not available from Pharmacy					
06/15/07 1900	Missed	2 Puff	Inhalation		Krug, William R
Reason: Drug not available from Pharmacy					
06/15/07 1800	Missed	2 Puff	Inhalation		Krug, William R
Reason: Drug not available from Pharmacy					

ClonAZEPAM (Klonopin) TABS 0.5-1 mg (KLONOPIN) [79426569]

Status: Discontinued (Past End Date/Time),
Reason: Patient Discharged

Ordered On: 06/16/07 0839 by Nohl, Cory Michael
Dose (Remaining/Total): 0.5-1 mg (-/-)
Route: Oral
Admin Instructions:

Starts/Ends: 06/16/07 0838 - 06/18/07 2216
Frequency: Q6HPRN
Rate/Duration: - / -
Comments:

Administration	Status	Dose	Route	Site	Given By
06/17/07 2310	Given	1 mg	Oral		Zzreis, Kristine H.

Scan on 6/15/2007 12:00 AM by Galom, Sylvia : document type- PSYCH ADMISSION AND LEGAL cmts: 06/17/07
restriction of rights (below)

Reference: 405 ILCS 5/2-103, 2-104, 2-107, 2-108, 2-109 and 2-207 HUSTON, ROBERT
CHERNAIK, STEPHEN J.
2022890057168 02/21/88 M

NOTICE REGARDING RESTRICTED RIGHTS

Regarding (Name): _____ ID n _____

☒ MH ☐ DD or ☐ MH/DD services at Evansville Northwestern Hospital facility

PART I.
A. On (date): 6/15/2007 at (time): 16:00 m. he or she was:
(month/day/year)
☐ Placed in restraints ☐ Placed in seclusion

B. Had a restriction placed on certain rights (which are checked and explained below) for a duration of
HOURS: _____ DAYS: _____ FROM: 6/15/2007 16:00 TO: open ended
Date/Time Date/Time

☐ To refuse medication
☐ in accordance with treatment/habilitation plan
☐ emergency basis
☐ To refuse medical service - x-ray
☒ To be allowed communication*
(via: telephone, mail, visitation
(circle applicable))

☐ To manage his or her own personal hygiene
☐ To refuse medical service - laboratory specimens

☐ To refuse other medical treatment services
☐ To refuse dental services
☐ To retain personal property
☐ To be free of unexpected search of person or living area

Other, specify: No outgoing phone calls.

The reason(s) for restriction of rights is (are):
Making phone threats to kill Evansville Police Dept Officer

A or B (above) Date: 6/15/07 Signature: William R K Title: RN

PART II.
I certify that on _____ I, _____
(month/day/year) (name) (title)
☐ delivered in person and ☐ mailed a copy of this notice in ☐ English ☐ Spanish ☐ Other (specify) _____
to each of the following entitled to receive notice, unless:
☐ individual wished no one to be notified. Exception: Guardian of person**;
☐ his or her guardian of person; Name: _____ Address: _____
☐ designated by individual; or Name: _____ Address: _____
☐ representative of the Guardianship and Advocacy Commission Name: _____ Address: _____

PART III.
I certify that a copy of this Notice has been placed in the individual's record.
Staff Signature: William R K RN

*Also see the reverse side if mail, telephone, or visitation rights are being restricted.
**Designated guardian of person must be notified regardless of individual's wishes.

(MHDD-4)
IL462-2004 (R-7-01)

NOTICE REGARDING RESTRICTED RIGHTS OF INDIVIDUAL

Scan on 6/15/2007 12:00 AM by Nakanwagi, Zainabu : document type- PSYCH ADMISSION AND LEGAL cmts: p3/5
06/15/07 INVOLUNTARY ADMISSION (below)

I have read and understood this Petition and affirm that the statements made by me are true to the best of my knowledge. I further understand that knowingly making a false statement of this Petition is a Class A misdemeanor.

Date 6/15/07 Signed Annie Slawina
(Signature)

Printed Name Annie Slawina

Relationship to respondent

Address 901 Maple Ave

Case Worker

Evanston IL 60202

Listed below are the names and addresses of the spouse, parent, guardian, or surrogate decision maker, if any, and close relative or, if none, a friend of the respondent whom I have reason to believe may know or have any of the other names and addresses. If names and addresses are not listed below, the following describes my efforts to identify and locate these individuals.

Mary Ann Huston (M) 773 545 2027

Signed Annie Slawina

Title PRSC

Within 12 hours after admission to the facility under this status I gave respondent a copy of this Petition. I have explained the "Rights of Admittee" to the respondent and have provided him or her with a copy of it. I have also provided him or her with a copy of "Rights of Individuals" and explained those rights to him or her (405 ILCS 5/3-609).

Date _____ Signed _____

Time _____ Title _____

HUSTON, ROBERT
CHERNAIK, STEPHEN J.
2022890057166

02/21/88 M



(MHDD-5)

Scan on 6/15/2007 12:00 AM by Nakanwagi, Zainabu : document type- PSYCH ADMISSION AND LEGAL cmts: p2/5
06/15/07 INVOLUNTARY ADMISSION (below)

I assert that Robert Huston is:
(name)

- ☒ A person who is mentally ill and who because of his or her illness is reasonably expected to inflict serious physical harm upon himself or herself or another in the near future.
- ☐ A person who is mentally ill and who because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious physical harm.
- ☐ A person who is mentally retarded and is reasonably expected to inflict serious physical harm upon himself or herself or others in the near future.
- ☒ In need of immediate hospitalization for the prevention of such harm.

I base the foregoing assertion on the following (provide a detailed statement including a description of the signs and symptoms of a mental illness and of any, acts threats or other behavior or pattern of behavior supporting the assertion and the time and place of their occurrence. Additional page(s) may be attached as necessary):

This morning Resid began making delusional statements about a conspiracy & then threatened to kill his roommate. Resid then began to be verbally aggressive & staff & tried to hit his NRS during med pass. He then stated he intended to kill someone before he was killed. Resid's parents require acute care to prevent harm to self or others.

Below is a list of all witnesses by whom the facts asserted may be provided (include addresses and phone numbers):

Karen Madda, D.O.

Olafide Ogundere, CNA } 901 Maple Ave.

Miriam Myers, LPN

- ☐ do ☒ do not have a legal interest in this matter.
- ☐ do ☒ do not have a financial interest in this matter.
- ☐ am ☒ am not involved in litigation with the respondent.
- ☒ No certificate is attached because after diligent effort it was impossible to locate someone legally authorized to issue the certificate.
- ☐ Although I have indicated that I have a legal or financial interest in this matter or that I am involved in litigation with the respondent, I believe it would not be practicable or possible for someone else to be the petitioner for the following reasons:

HUSTON, ROBERT
CHERNAIK, STEPHEN J.
2022890057168

02/21/66

M



(MHDD-5)
11-052-2005 (P.7.01)

Page 2 of 5

Scan on 6/15/2007 12:00 AM by Nakanwagi, Zainabu : document type- PSYCH ADMISSION AND LEGAL cmts: p1/5
06/15/07 INVOLUNTARY ADMISSION (below)

0

PETITION FOR INVOLUNTARY/JUDICIAL ADMISSION

STATE OF ILLINOIS


CIRCUIT COURT FOR THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN THE MATTER OF _____)
)
Robert Huston)
(name of person))

Docket No. _____

HUSTON, ROBERT
CHERNAIK, STEPHEN J.
2022890057166 02/21/66 M



Who is asserted to be a person subject to involuntary admission to a facility and for whom
(judicial/involuntary)
this petition is initiated by reason of:

☒ Emergency admission by certificate. (405 ILCS 5/3-600)

☐ Admission by court order. (405 ILCS 5/3-700)

☐ Voluntary admittee submitted written notice of desire to be discharged. (405 ILCS 5/3-403)

☐ Voluntary admittee failed to reaffirm a desire to continue treatment. (405 ILCS 5/3-404)

☐ Person continues to be subject to involuntary admission. (405 ILCS 5/3-813)

☐ Emergency admission of the mentally retarded. (405 ILCS 5/4-400)

☐ Judicial admission of the mentally retarded. (405 ILCS 5/4-500)

☐ Developmentally disabled client or an interested person on behalf of the client submitted written objection to admission. (405 ILCS 5/4-306)

☐ Administrative client (or person who executed application) failed to authorize continued residence. (405 ILCS 5/4-310)

☐ Client continues to meet standard for judicial admission. (405 ILCS 5/4-611)

MHDD-5)
462-2005 (R-7-01)

Page 1 of 5